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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARGARITO T. LOPEZ, et al.,
Plaintiffs,
vs.
CITY OF LOS ANGELES, et al.,
Defendants.

Case No. 2:22-cv-07534-FLA (MAAx)
**ORDER APPROVING JOINT
STIPULATION REGARDING
MOTION FOR SUMMARY
JUDGMENT AND/OR
AJUDICATION AND PLAINTIFFS'
CLAIMS [DKT. 46]**

1 On February 28, 2024, Plaintiffs and Defendants filed a Joint Stipulation
2 regarding motions for summary judgment and/or adjudication and Plaintiffs' claims
3 (the "Stipulation"). Dkt. 46.

4 The court, having reviewed the Stipulation, and finding good cause therefor,
5 hereby APPROVES the Stipulation and ORDERS as follows:

- 6 1. No Defendant shall file any pretrial dispositive motion, including any
7 Motion for Summary Judgment or Summary Adjudication, on any of
8 Plaintiffs' claims, as alleged in the operative Complaint (Dkt. 1);
- 9 2. Plaintiffs' Second Claim for Relief, for Denial of Medical Care under the
10 Fourth Amendment, pursuant to 42 U.S.C. Section 1983 is hereby
11 DISMISSED as to all Defendants;
- 12 3. Plaintiffs' Fourth Claim for Relief, the deprivation of Substantive Due
13 Process by a Deliberate Indifference to Serious Medical Needs, pursuant to
14 42 U.S.C. Section 1983 is hereby DISMISSED as to all Defendants;
- 15 4. Plaintiffs' Fifth Claim for Relief, Municipal Liability for Ratification
16 under *Monell* and pursuant to 42 U.S.C. Section 1983 is hereby
17 DISMISSED as to all Defendants (City of Los Angeles and unnamed
18 Does);
- 19 5. Plaintiffs' Sixth Claim for Relief, Municipal Liability for Failure to Train
20 under *Monell* and pursuant to 42 U.S.C. Section 1983 is hereby
21 DISMISSED as alleged against Defendant City of Los Angeles;

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- 1 6. Plaintiffs' Seventh Claim for Relief, Municipal Liability for
2 Unconstitutional Practice, Policy, or Custom, under *Monell* and pursuant
3 to 42 U.S.C. Section 1983 is hereby DISMISSED as alleged against
4 Defendants City of Los Angeles and unnamed Does;
- 5 7. The Doe Defendants (Does 1-10) are hereby DISMISSED;
- 6 8. Plaintiffs shall proceed on the following claims: (1) Negligence (Wrongful
7 Death/Survival, Plaintiff Margarito T. Lopez only), against Julio
8 Quintanilla and Jose Zavala directly, and against the City of Los Angeles
9 on a theory of vicarious liability pursuant to California Government Code
10 Section 815.2(a); (2) Battery (Wrongful Death/Survival, Plaintiff
11 Margarito T. Lopez only), against Julio Quintanilla and Jose Zavala
12 directly, and against the City of Los Angeles on a theory of vicarious
13 liability pursuant to California Government Code Section 815.2(a); (3)
14 Negligent Infliction of Emotional Distress (All Plaintiffs) against Julio
15 Quintanilla and directly Jose Zavala, and against the City of Los Angeles
16 on a theory of vicarious liability pursuant to California Government Code
17 Section 815.2(a); (4) Violation of the Bane Act (Cal. Civil Code Section
18 52.1; Plaintiff Margarito T. Lopez only), against Julio Quintanilla and Jose
19 Zavala directly, and against the City of Los Angeles on a theory of
20 vicarious liability pursuant to California Government Code Section
21 815.2(a); (5) Excessive Force, pursuant to 42 U.S.C. Section 1983 and the
22 Fourth Amendment (Plaintiff Margarito T. Lopez only) against Julio
23 Quintanilla and Jose Zavala; (6) Interference with Familial Relationship,
24 Substantive Due Process, pursuant to 42 U.S.C. Section 1983 and the
25 Fourteenth Amendment (Plaintiff Margarito T. Lopez only) against Julio
26 Quintanilla and Jose Zavala. None of the remaining claims are alleged
27 under a theory of direct liability against Defendant City of Los Angeles,
 but rather under a theory of vicarious liability for Defendants Julio

1 Quintanilla and Jose Zavala as their employer at the time of the incident.
2 The Parties agree that Julio Quintanilla and Jose Zavala were working in
3 the course and scope of their employment and under the color of law with
4 the City of Los Angeles at the time of the incident.

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6 IT IS SO ORDERED.

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8 Dated: March 1, 2024

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11 FERNANDO L. AENLLE-ROCHA
12 United States District Judge
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